

**ORDINANCE NO. 06-290**

**ORDINANCE OF THE COUNCIL OF THE CITY OF LOS ALTOS ADDING  
CHAPTER 1.40 TO TITLE 1 ENTITLED "TORT CLAIM FILING  
REQUIREMENTS" TO THE LOS ALTOS MUNICIPAL CODE**

The City Council of the City of Los Altos does hereby ordain as follows:

**SECTION 1.** Chapter 1.40 to Title 1 of the Los Altos Municipal Code entitled "Tort Claim Filing Requirements" is hereby added to read as follows:

**1.40.010 Authority**

This Chapter is enacted pursuant to section 935 of the California Government Code.

**1.40.015 Claims Required**

All claims against the City for money or damages not otherwise governed by the Tort Claims Act, California Government Code section 900 et seq., or another state law (hereinafter in this chapter, "claims") shall be presented within the time, and in the manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with section 900 thereof) for the claims to which that Part applies by its own terms, as those provisions now exist or shall hereafter be amended, and as further provided by this Chapter.

In the event of any conflicts or inconsistencies between the provisions of this Chapter 1.40 and the remaining provisions of this Chapter 1.40 or with the provisions of any other chapter(s) of the Los Altos Municipal Code, the provisions of this Chapter 1.40 shall control, unless to do so would be inconsistent with the stated purpose of this Chapter 1.40.

**1.40.020 Form of Claim**

All claims shall be made in writing and signed by the claimant or by his or her guardian, conservator, executor or administrator. No claim may be filed on behalf of a class of persons unless signed by every member of that class as required by this section. In addition, all claims shall contain the information required by California Government Code section 910.

**1.40.025 Claim Prerequisite to Suit**

In accordance with California Government Code section 935(b) and 945.6, all claims shall be presented as provided in this Chapter and acted upon by the City of Los Altos prior to the filing of any action on such claims, and no such action may be maintained by a person who has not complied with the requirements of this Chapter.

**1.40.030 SUIT**

Any action brought against the City of Los Altos upon any claim or demand shall conform to the requirements of section 940-49 of the California Government Code. Any action brought against any employee of the City of Los Altos shall conform to the requirements of section 950-951 of the California Government Code.

**SECTION 2. CONSTITUTIONALITY.** If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

**SECTION 3. PUBLICATION.** This ordinance shall be published as provided in Government Code section 36933.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly introduced at regular meeting of the City Council of the City of Los Altos on March 14, 2006 and was thereafter adopted at a regular meeting held on March 28, 2006, passed and adopted by the following vote:

Ayes: Cole, Casas, Colehower, Packard  
Noes: None  
Absent: Carpenter

  
\_\_\_\_\_  
Ronald D. Packard, MAYOR

Attest:

  
\_\_\_\_\_  
Susan Kitchens, CITY CLERK